

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM
JUN 13 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-05-00005-002

DATE: 06/13/2005

TIME: 10:14 a.m.

HON. RICARDO S. MARTINEZ, Designated Judge, Presiding

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 10:14:39 - 10:28:12

Law Clerk: None Present

Courtroom Deputy: Virginia T. Kilgore

CSO: B. Pereda

(50)

***** APPEARANCES *****

DEFT: THIN LOO YAT

ATTY : JOAQUIN C. ARRIOLA, JR.

(X) PRESENT (X) CUSTODY () BOND () P.R.

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: ROSS STODDARD

AGENT: CHIKO HOGE, U.S. SECRET SERVICE

U.S. PROBATION: JOHN SAN NICOLAS / STEPHEN GULLIOT

U.S. MARSHAL: S. LUJAN

INTERPRETER: _____ () SWORN LANGUAGE: _____
() PREVIOUSLY SWORN

() ARGUMENT FOR A DOWNWARD DEPARTURE BY THE _____ GOVERNMENT _____ DEFENSE _____ GRANTED
COURT DEPARTS TO A LEVEL _____ FROM A LEVEL _____

() ARGUMENT FOR AN UPWARD DEPARTURE BY THE _____ GOVERNMENT _____ DEFENSE

() COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS _____
Base offense level: _____ Total offense level: _____ Criminal History Category: _____

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Submits on his objections and requested the Court to sentence Defendant to credit for time served and immediate deportation by INS.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

No objection to the Court using Mr. Arriola's analysis as to the credit amount.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Probation Officer Stephen Gulliot stated that with 121 the Total Offense will be 12 with a guideline range of 10 to 16 months. Sentence was imposed.

SENTENCE: CR-05-00005

DEFENDANT: THIN LOO YAT

() DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 14 MONTHS WITH CREDIT FOR TIME SERVED.

() COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT _____.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS PURSUANT TO 18 U.S.C. § 3583(d), AND WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT UNDER 8 U.S.C. § 1101. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE AND SHALL NOT RE-ENTER THE UNITED STATES WITHOUT THE PERMISSION OF THE ATTORNEY GENERAL. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED FROM CONFINEMENT PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
2. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
3. DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL LAWS.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES; AND SHALL SUBMIT TO ONE (1) URINALYSIS TEST WITHIN 15 DAYS AFTER SENTENCING AND, TO TWO MORE URINALYSIS TESTS WITHIN (60) DAYS THEREAFTER.
7. DEFENDANT SHALL REFRAIN FROM THE USE OF ALCOHOL AND SUBMIT TO ALCOHOL TESTING AS APPROVED BY THE U.S. PROBATION OFFICE.
8. DEFENDANT SHALL MAINTAIN GAINFUL EMPLOYMENT.
9. DEFENDANT SHALL PERFORM 400 HOURS OF COMMUNITY SERVICE AS APPROVED BY THE U.S. PROBATION OFFICE.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL.

TIME ENDED: 10:28 P.M.